



Planning,  
Industry &  
Environment

## 44-52 Anderson Street, Chatswood – Gateway Determination Report (PP-2021-3476)

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Greater Sydney, Place and Infrastructure

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## Glossary

Abbreviation	Reference
ADG	Apartment Design Guide
AHD	Australian Height Datum
CASA	Civil Aviation Safety Authority
CBD	Central Business District
Council	Willoughby City Council
DA	Development Application
DCP	Development Control Plan
Department/DPIE	Department of Planning, Industry and Environment
DIRDC	Department of Infrastructure Regional Development and Cities
DSI	Detailed Site Investigation
FSR	Floor Space Ratio
GFA	Gross Floor Area
GSC	Greater Sydney Commission
GTP	Green Travel Plan
HAZMAT	Hazardous materials
HCA	Heritage Conservation Area
HIS	Heritage Impact Statement
HOB	Height of Buildings
LEP	Local Environmental Plan
LGA	Local Government Area
LHS	Local Housing Strategy
LPP	Local Planning Panel
LSPS	Local Strategic Planning Statement
PANS-OPS	Procedures for Air Navigation Services – Aircraft Operations
PPA	Planning Proposal Authority
PSI	Preliminary Site Investigation
RL	Reduced Level
SACL	Sydney Airport Corporation Limited
SEPP	State Environmental Planning Policy
SP	Strata Plan
TfNSW	Transport for NSW
VPA	Voluntary Planning Agreement

## Summary

Local Government Area	Willoughby LGA
Planning Proposal Authority	Willoughby City Council
Planning Proposal Name	PP-2021-3476
Dwellings and Jobs	156 dwellings
LEP to be Amended	Willoughby Local Environmental Plan 2012
Address	44-52 Anderson Street, Chatswood
Lot and SP	SP80201, SP68797 and SP78790
Date Received	13 May 2021
File Number	IRF21/2818
Political Donations	There are no donations or gifts to disclose and a political donation disclosure is not required.
Lobbyist Code of Conduct	There have been no meetings or communications with registered lobbyists with respect to this proposal.

## 1. Introduction

### 1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to amend the Willoughby LEP 2012 for land at 44-52 Anderson Street, Chatswood to:

- rezone from R3 Medium Density Residential to B4 Mixed Use;
- increase the maximum height of buildings from 12m to 90m; and
- increase the maximum floor space ratio (FSR) from 0.9:1 to 6:1.

A concept design has been provided with the planning proposal depicting a 25 storey (RL190.70) mixed-use development that includes the potential to integrate residential, commercial/retail land uses and car parking (**Figures 17-23**). The concept plan proposes 156 dwellings and 2,687 sqm of non-residential floor space.

The planning proposal is accompanied by a draft site-specific DCP (**Attachment A3**).

### 1.2 Site description

The site is an irregular shaped block known as 44-52 Anderson Street, Chatswood (**Figure 1 and Attachment B**) comprising three lots with a total area of approximately 2,687m<sup>2</sup>.

The site has three street frontages including approximately 60.82m to Anderson Street to the east, 33.39m to O'Brien Street to the north, 55.11m to Day Street to the south and a

public walkway to the west. The topography of the site slopes generally from the north-east to the south-west by approximately 4m.

The site is currently occupied by three residential flat buildings consisting of approximately 31 dwellings with onsite parking via O'Brien Street or Day Street (**Figures 1-5**):

- 44 Anderson Street is legally described as SP80201. This lot contains a three to four storey residential flat building constructed around the mid to late 1950's with parking at ground level and separate three-car single level garage at the rear;
- 46 Anderson Street is legally known as SP68797 and is currently occupied by a three to four storey residential flat building constructed around the mid to late 1950's; and
- 52 Anderson Street is legally described as SP78790 and contains a three-storey townhouse development constructed around 2007 with a single basement carpark.

The site does not contain any heritage items and is not within a heritage conservation area (HCA). The North Chatswood HCA (C10) is located to the east, across Anderson Street and heritage items are located within the vicinity of the site at 20 Tulip Street and 21 Daisy Street (**Figure 1** and **11**).



**Figure 1:** Site map (source: Nearmap, overlay by DPIE)





**Figure 2:** Aerial of existing site at 44-52 Anderson Street (source: Nearmap, overlay by DPIE)



**Figure 3:** Existing site townhouse development at 52 Anderson Street, from O'Brien Street, looking south (source: Google Maps).





**Figure 4:** Existing residential flat building at 46 Anderson Street looking south-east (source: Google Maps).



**Figure 5:** Existing residential flat building at 44 Anderson Street looking north-east (source: Google Maps).





**Figure 6:** The existing pedestrian walkway to the west boundary of the site (source: Douglas Partners).

### 1.3 Surrounding area

The site is located towards the northern end of the expanded Chatswood CBD boundary identified in the *Chatswood CBD Planning and Urban Design Strategy 2036* (Chatswood CBD Strategy) (**Attachment I4**). Chatswood Station and transport interchange is approximately 400m to the west along with major shopping centres including Westfield and Chatswood Chase on the east side of the rail corridor (**Figure 7**).

Chatswood Station was upgraded in 2019 to include the new Sydney Metro network. The upgrade provided access to new trains operating between Rouse Hill and Chatswood, with trains running every four minutes at peak times. Chatswood Station is an integrated transport exchange and includes direct links to the strategic centres of Macquarie Park, North Sydney and the Sydney CBD.

The upgrades will also connect Chatswood to Sydney Metro City and South West. This network is due to be completed in 2024 and will provide an extension of Sydney Metro Northwest from Chatswood under Sydney Harbour, through new CBD stations and southwest Bankstown, with the capacity to provide trains every two minutes in each direction.

To the north at 54-56 Anderson Street, on the opposite side O'Brien Street are two 1960's style residential flat buildings on land zoned R3 Medium Density Residential. This site is currently the subject of a planning proposal to rezone the site from R3 Medium Density Residential to B4 Mixed Use, increase the maximum height of buildings from 12m to part 53m and part 90m and increase the FSR from 0.9:1 to 5:1.

To the east, across Anderson Street is land zoned R2 Low Density Residential which permits a maximum HOB of 8m (equivalent to two storeys) and an FSR of 0.4:1. This area also falls within the North Chatswood HCA (**Figure 11**).

To the south of the site on the opposite side of Day Street is land zoned B4 Mixed Use. This site contains a new shop top residential development of approximately 12-storeys.



To the west is a public walkway with a five-storey development known as 1 Day Street beyond. The railway corridor is directly behind the Day Street development, running underground at the end of O'Brien Street (**Figure 2**).



**Figure 7:** Site context map - expanded Chatswood CBD with the site located in the north (source: Nearmap, overlay by DPIE)

## 1.4 Current planning controls

Under the Willoughby LEP 2012 the site is subject to the following planning provisions:

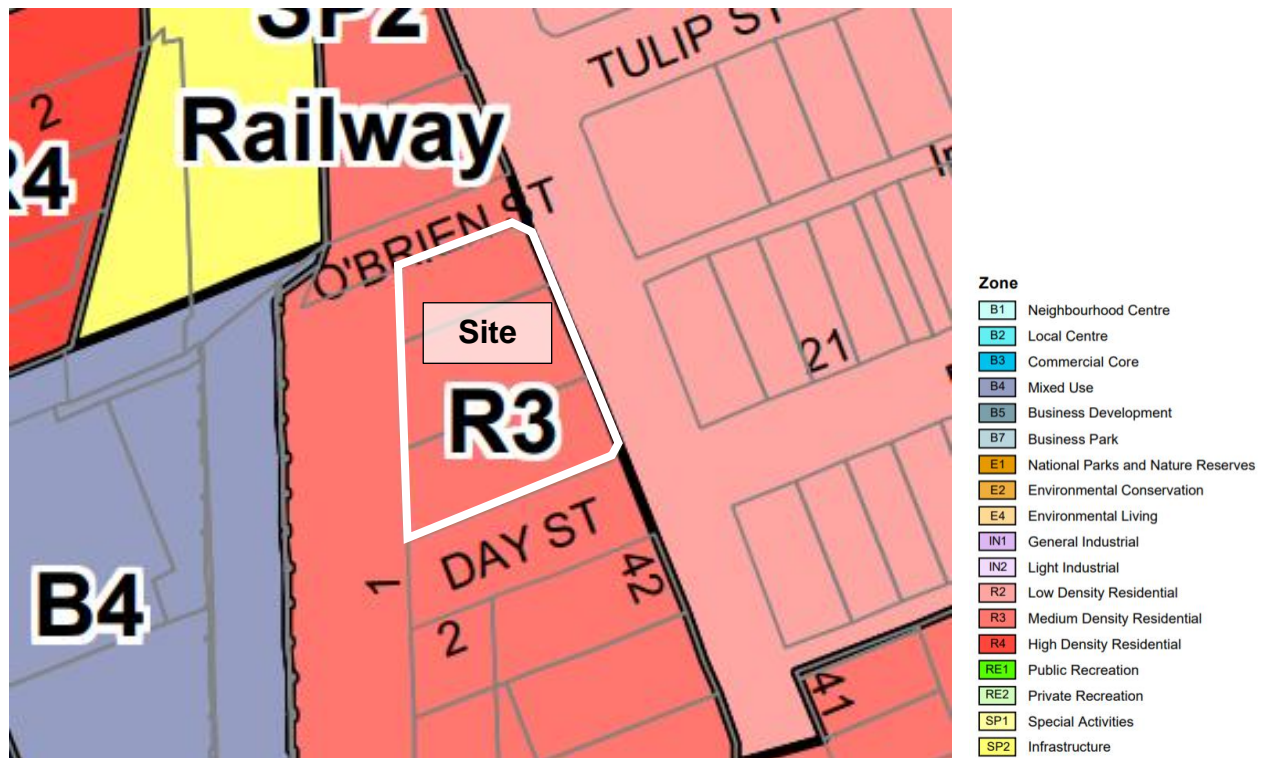
- R3 Medium Density Residential zoning (**Figure 8**);
- maximum HOB of 12m (**Figure 9**); and
- maximum FSR of 0.9:1 (**Figure 10**).

The heritage map indicating the sites proximity to the North Chatswood HCA is shown at **Figure 11**.

A comparison of the current and proposed controls has been provided at **Table 1**.

**Table 1:** Comparison between current and proposed planning provisions.

Control	Current	Proposed	CBD Strategy
Zone	R3 Medium Density Residential	B4 Mixed Use	B4 Mixed Use
Height	12m	Maximum 90m (RL 190.7m)	Maximum 90m
FSR	0.9:1	6:1 (including 1:1 of non-residential floor space)	6:1 (including 1:1 of non-residential floor space)
Active Street Frontage	N/A	Anderson Street, O'Brien Street and Day Street	Consistent
Affordable Housing	N/A	4%	Consistent

**Figure 8:** Willoughby LEP 2012 Land zoning map LZN\_004 (source: NSW Planning Portal)



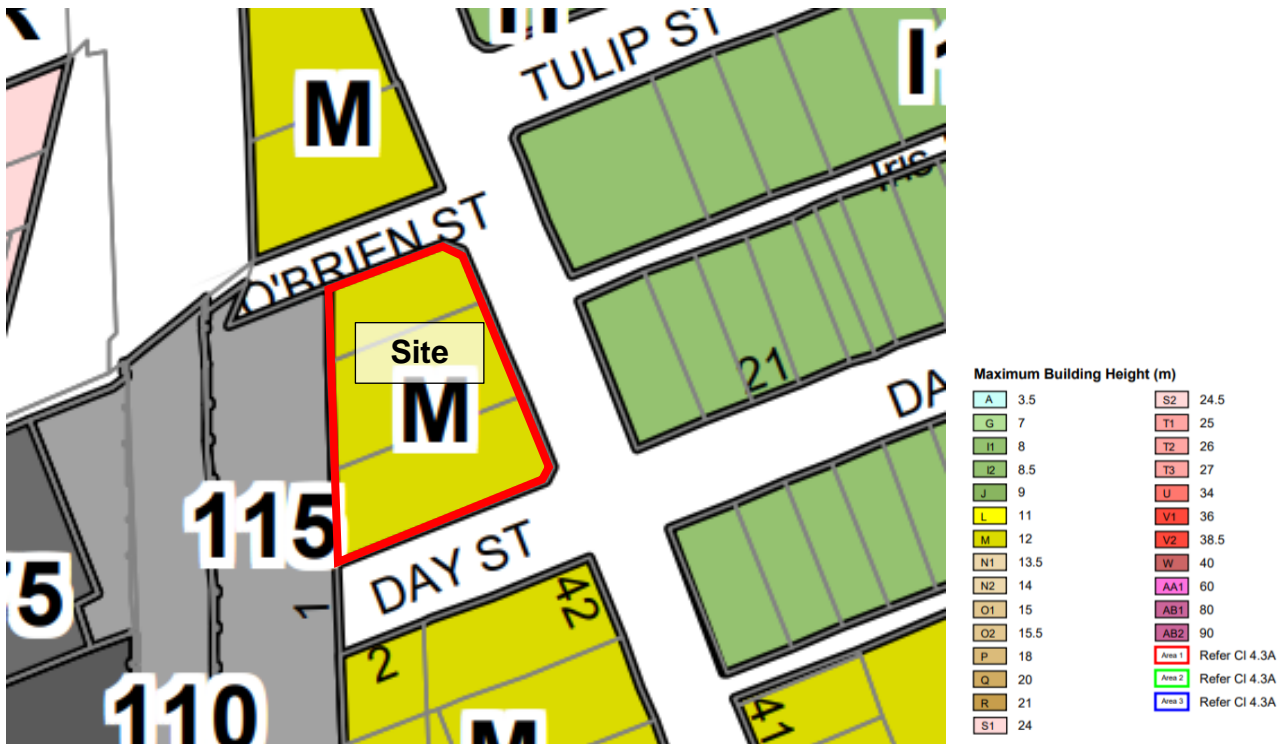


Figure 9: Willoughby LEP 2012 Maximum building height map HOB\_004 (source: NSW Planning Portal)

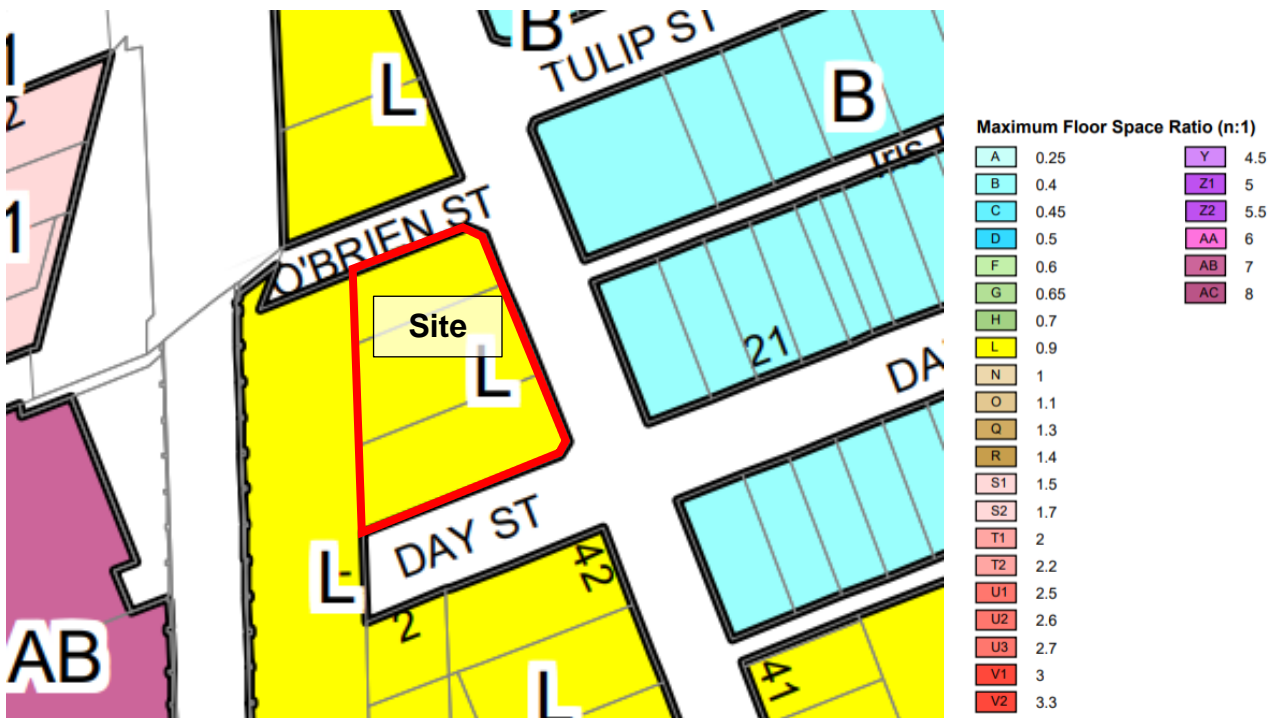
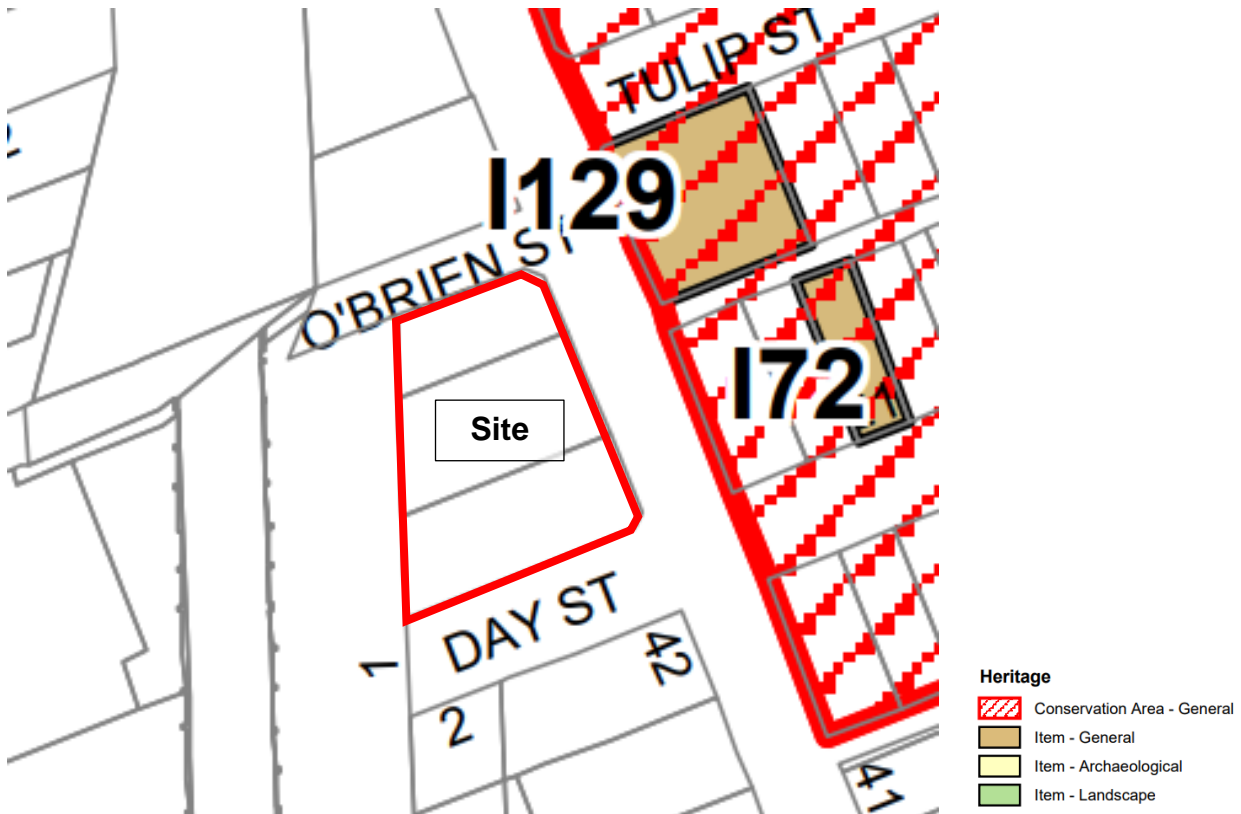


Figure 10: Willoughby LEP 2012 Maximum FSR map FSR\_004 (source: NSW Planning Portal)



**Figure 11:** Willoughby LEP 2012 Heritage map HER\_004 (source: NSW Planning Portal)

## 1.5 Summary of recommendation

The Department has considered the submitted documentation as part of the proposal and concludes that there is sufficient strategic merit in issuing a Gateway determination as:

- it is consistent with the actions of the North District Plan for Chatswood by providing additional residential accommodation and commercial floor space for small business or retail uses in a mixed-use zone;
- the proposal will provide increased employment within the Chatswood CBD on a site that supports the 30-minute city outcomes sought by the North District Plan;
- it is consistent with the key elements of the endorsed Chatswood CBD Strategy;
- the proposal will not adversely impact on the North Chatswood HCA to the east of the site; and
- there will be no additional overshadowing impact to Chatswood Mall/Victoria Avenue or Chatswood Oval between 12-2pm during midwinter as a result of the proposed development.

The Department considers the proposal to have site-specific merit because:

- the proposed maximum building height and is consistent with the desired future maximum building heights for the Chatswood CBD; and
- the proposal will enable the delivery of additional residential accommodation and commercial floor space for small business or retail uses, supporting jobs growth in the Chatswood CBD within 400m walking distance of the Chatswood transport interchange.

## 2. Background

The proposal was lodged with Council by Mecone on behalf of Chatswood Square Pty Ltd.

The proposal is within the Chatswood CBD boundary, identified in the Chatswood CBD Strategy 2036 endorsed by Council on 26 June 2017 and the Department on 9 July 2020.

On 10 May 2021, Council, at its meeting, resolved to endorse a planning proposal for the amalgamated site and forward the proposal to the Department for a Gateway determination (**Attachment F3**).

Council stated in its report (**Attachment F1**) that the planning proposal is:

- to facilitate a mixed-use development including a commercial podium and residential tower above;
- generally consistent with the recommendations of the Chatswood CBD Strategy;
- referred to Council's Heritage Section due to its proximity to the North Chatswood Heritage Conservation Area (HCA) and local heritage items that determined that any negative outcomes with the proposed concept could be managed with careful consideration of any development;
- accompanied by a site-specific development control plan (DCP); and
- the subject of a voluntary planning agreement (VPA) which is yet to be discussed and agreed to by Council.

On 15 June 2021, at Council's meeting, the planning proposal was subject to a rescission motion which was lost, and the planning proposal is to continue to Gateway determination.

## 3. Planning Proposal

### 3.1 Objectives or intended outcomes

The planning proposal seeks to amend Willoughby LEP 2012 to facilitate a mixed use development in line with the Chatswood CBD Strategy (**Attachment I4**).

The planning proposal states that its objectives and intended outcomes include:

- facilitating the redevelopment of the site consistent with the direction of the Metropolitan Plan and the North District Plan;
- implementing the recommendations of the Chatswood CBD Planning and Urban Design Strategy 2036 for the site;
- rezoning the site to B4 Mixed Use supporting the principles of transit-oriented development close to the existing Chatswood interchange which includes rail, bus and metro options;
- increasing the height of buildings and FSR as an incentive to amalgamate sites, provide public benefits and a high level of landscaping;
- enabling more economic and efficient use of the land and inclusion of additional affordable housing accessible to public transport and other services;
- improving active street frontages to Anderson Street, O'Brien Street and Day Street and a through site pedestrian link;
- facilitate an appropriate massing for the site consistent with the wider precinct and ensure environmental and amenity impacts are not unreasonably increased having regard to the desired future character of the Chatswood CBD; and



- providing additional residential dwellings in an existing urban area while minimising adverse amenity impacts on surrounding residential dwellings and public domain.

It is recommended that prior to exhibition, the proposal is to be updated in the objectives and intended outcomes section, to provide a plain English explanation of the proposal including the type and scale of development expected on the site including the number of storeys, jobs and dwellings.

## 3.2 Explanation of provisions

The planning proposal seeks to make the following amendments to the Willoughby LEP 2012:

- rezone the land from R3 Medium Density Residential to B4 Mixed Use;
- amend the maximum permitted building height from 12m to 90m; and
- amend the maximum FSR from 0.9:1 to 6:1.

Council's resolution (**Attachment F3**) recommends further amendments to the Willoughby LEP 2012 to identify the site on the Special Provision Area Map to apply the following provisions:

- add Clause 5.6(2A) Architectural roof features to be carried out in accordance with the maximum height under Clause 4.3 (Area 8);
- amend Clause 6.8 Affordable housing (Area 3, 8 or 9);
- amend Clause 6.10 to include 'shop-top housing' so that a minimum lot size of 1,200sqm is required for shop top housing in a mixed use zone in accordance with the CBD Strategy;
- amend Clause 6.23 Design Excellence for certain sites at Willoughby; and
- add Clause 6.24 to require a minimum commercial floor space of 1:1 within the mixed use zone

Council's resolution also requires the Active Street Frontages Map to be amended to include the Anderson Street, O'Brien Street and Day Street Frontages.

In addition, in response to the planning proposal and amalgamated site involved, it is proposed to introduce a site specific lot size requirement of 2,500m<sup>2</sup> on the Lot Size map.

It is recommended that the planning proposal be updated to incorporate the proposed changes in the Council resolution including mapping, prior to exhibition.

The Department also notes that as a result of the draft Willoughby Comprehensive planning proposal, and subsequent planning proposals, reference to clause numbers and areas on the special provision areas map may need to be updated by Council to reflect the correct/corresponding numbers. This should also be updated in the planning proposal prior to exhibition.

The proposed provisions in the applicant's planning proposal are generally clear, concise and are consistent with the recommendations of the now finalised Chatswood CBD Strategy.

The planning proposal was accompanied by an amended draft development control plan (DCP) (**Attachment A3**).

Council states that the planning proposal was accompanied by a VPA, however, detailed discussions have not yet been held with Council officers.

### 3.3 Mapping

Draft LEP mapping is provided in the planning proposal to demonstrate the proposed changes to the Willoughby LEP 2012:

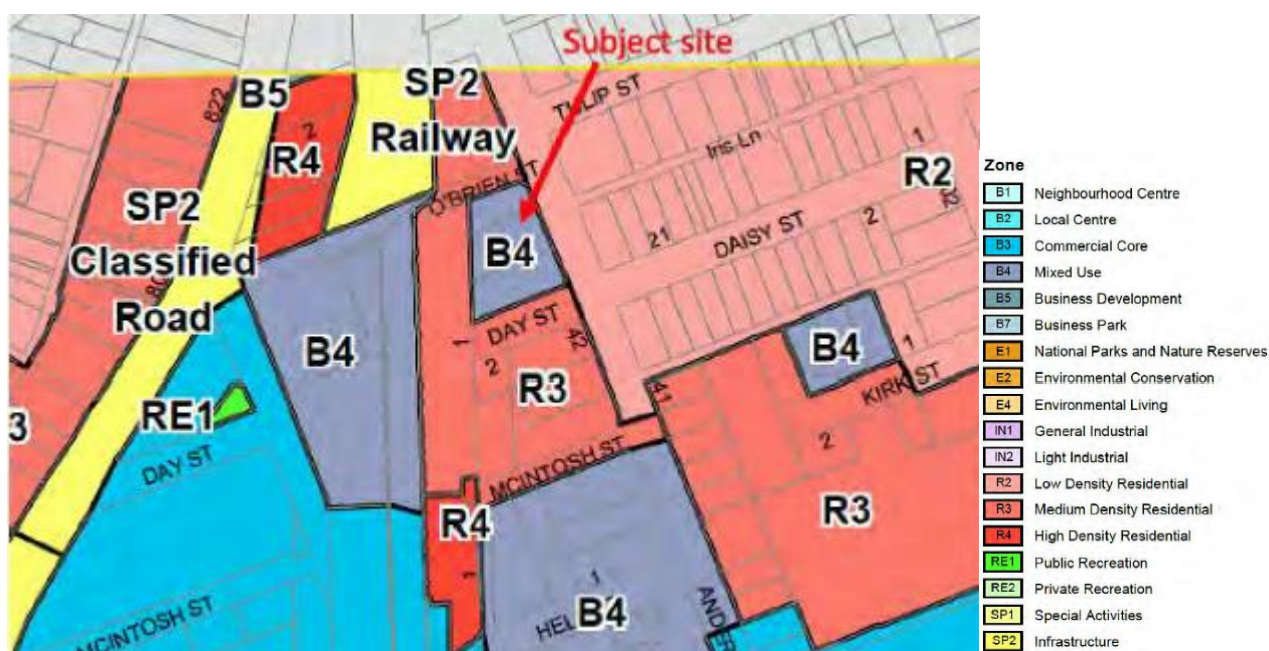
- an amended Land Zoning Map (sheet LZN\_004) (**Figure 12**);
- an amended Maximum Height of Buildings Map (sheet HOB\_004) (**Figure 13**); and
- a Maximum FSR Map (sheet FSR\_004) (**Figure 14**).

Draft maps have been submitted by Council (**Attachment F6**) with the planning proposal. However, the planning proposal will require updating prior to public exhibition to include:

- an amended Lot Size Map to indicate a minimum lot size of 2,500m<sup>2</sup> (**Figure 15**).
- an amended Special Provisions Area Map (SPA\_004) (**Figure 16**) referring to the relevant 'Area' and clauses; and
- an amended Active Street Frontages Map (ASF\_004) by adding Anderson Street, O'Brien Street and Day Street (**Figure 17**).

The provisions of the additional maps will be included as a condition of the Gateway determination.

No changes are proposed to any other LEP maps.



**Figure 12:** Draft Willoughby LEP 2012 Land zoning map (source: Mecone)



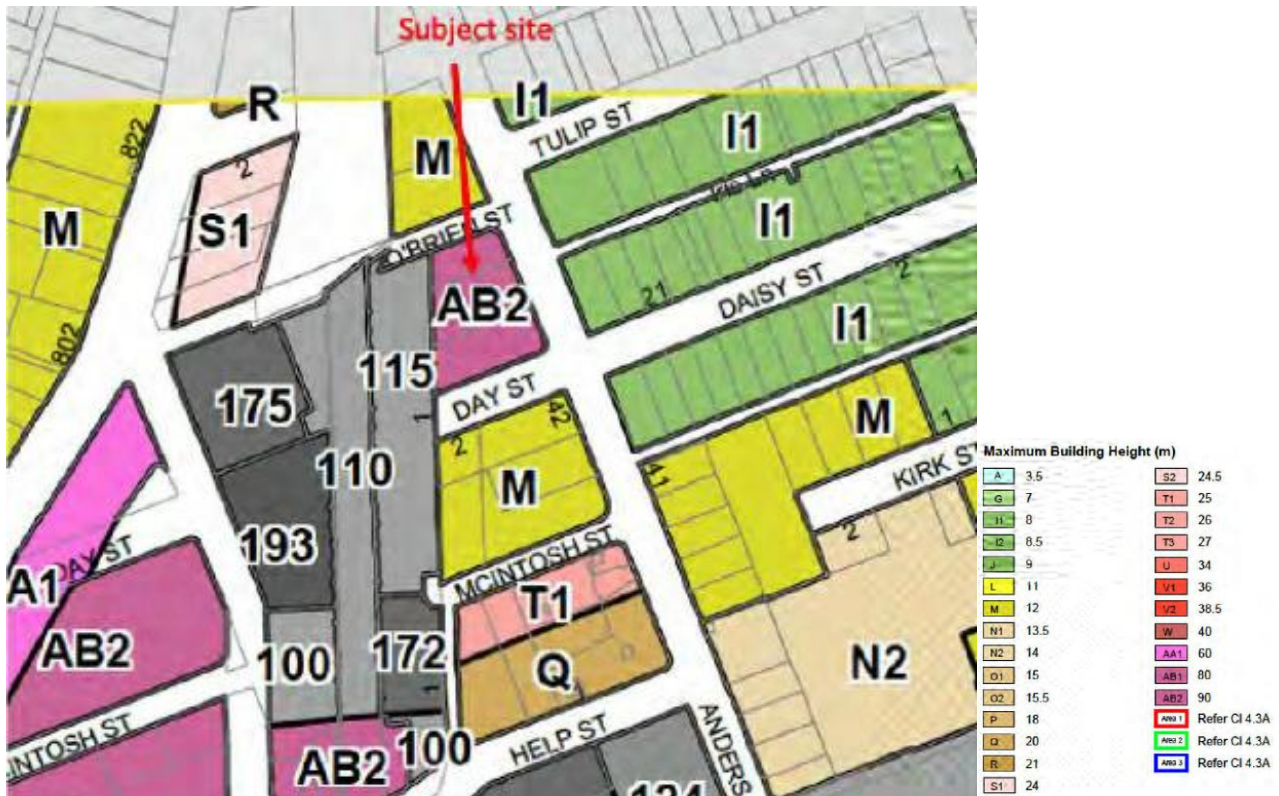


Figure 13: Draft Willoughby LEP 2012 Maximum height of buildings map (source: Mecone)

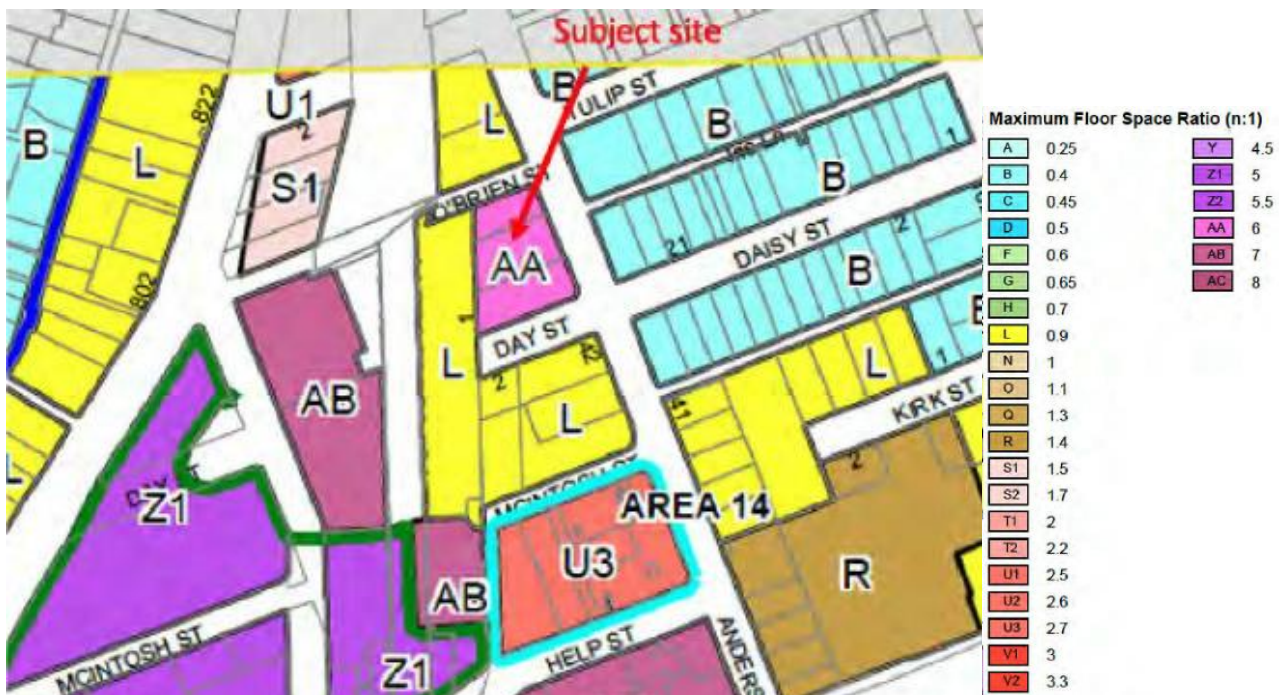
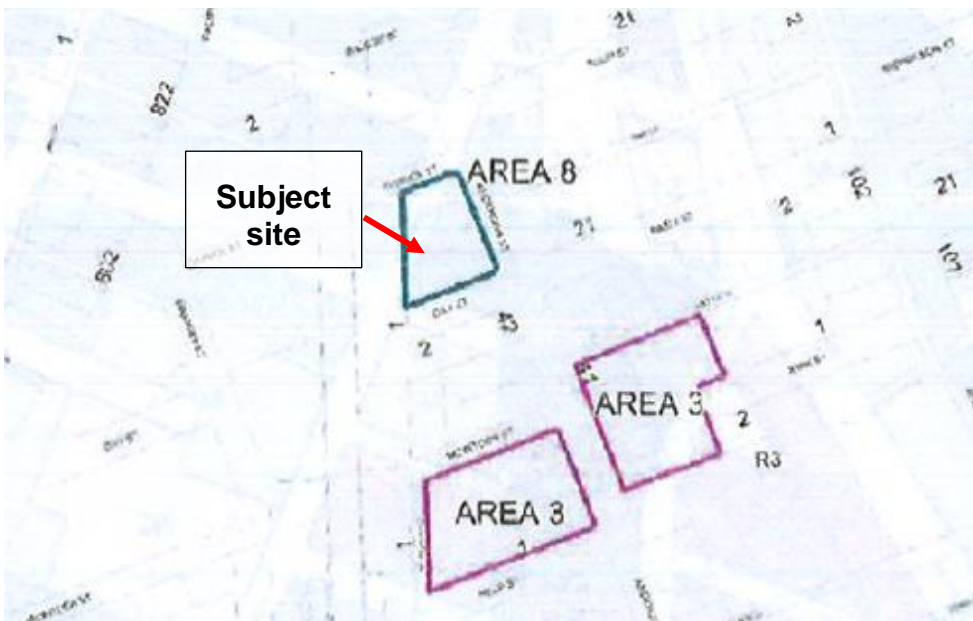


Figure 14: Draft Willoughby LEP 2012 Maximum FSR map (source: Mecone)



$$V = 2,500\text{m}^2$$


Area to refer to:

- Clause 5.6 Architectural roof features
- Clause 6.8 Affordable housing
- Clause 6.23 Design excellence at certain sites at Willoughby
- Clause 6.24 Minimum commercial floor space within the Mixed Use zone



**Figure 17:** Draft Willoughby LEP 2012 Active Street Frontages map (source: Council)

### 3.4 Concept Design

The Urban Design Analysis (**Attachment A2**) and Plans (**Attachment A4**) submitted with the documentation indicates that the proposal could deliver a mixed-use development comprising of a 25 storey residential tower comprising 156 dwellings and 2,687m<sup>2</sup> of retail/commercial floor space in the podium levels.

The development summary is provided in **Table 2**.

The planning proposal states that it will:

- facilitate site amalgamation;
- provide a high-quality public domain; and
- provide upgraded, increased residential accommodation with retail/commercial floorspace in an area close to existing services and infrastructure including accessible public transport.

Drawings of the proposed concept design have been provided at **Figures 18-27** and in the planning proposal (**Attachment A**) and the Urban Design Analysis (**Attachment A2**).

The planning proposal was accompanied by a draft DCP for the site (**Attachment A3**). The DCP is to provide guidelines for development and ensure the impact on the surrounding area including amenity and traffic are minimised.

**Table 2:** Development summary of the concept design.

Area Detail		Proposed
Site area		2,687m <sup>2</sup>
Zone		B4 Mixed Use
GFA	Commercial	2,687m <sup>2</sup>
	Residential	13,435m <sup>2</sup> (156 residential dwellings)
	<b>Total</b>	<b>16,122m<sup>2</sup></b>

Area Detail		Proposed	
FSR	Commercial	1:1	
	Residential	5:1 (including affordable housing)	
	<b>Total</b>	<b>6:1</b>	
Height		90m (RL190.70)	
Number of levels		25	
Parking levels		4 levels	<ul style="list-style-type: none"> <li>• 180 residential spaces including visitors</li> <li>• 8 commercial spaces</li> </ul>
Bicycle and motorcycle		<ul style="list-style-type: none"> <li>• 22 lockers plus 20 racks/cycle spaces</li> <li>• 8 motorcycle spaces</li> </ul>	
Solar access		87.5% during Winter Solstice	
Cross ventilation		75%	
Deep soil		205m <sup>2</sup> (7%)	
Communal open space		680m <sup>2</sup> (25%)	

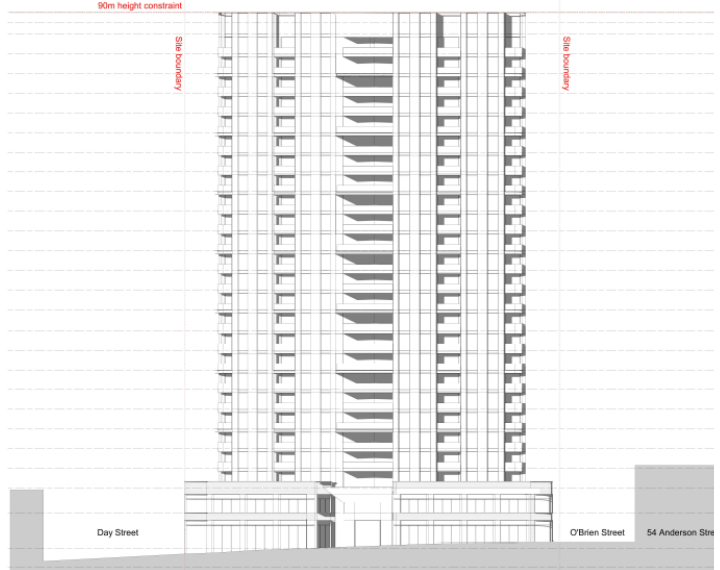


**Figures 18:** Proposed concept development, view looking south-west from Anderson Street, Chatswood (source: Make Architects)

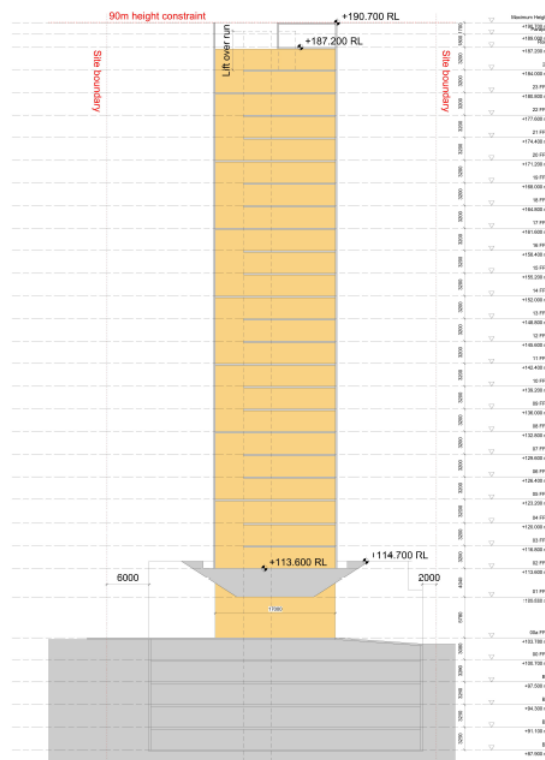




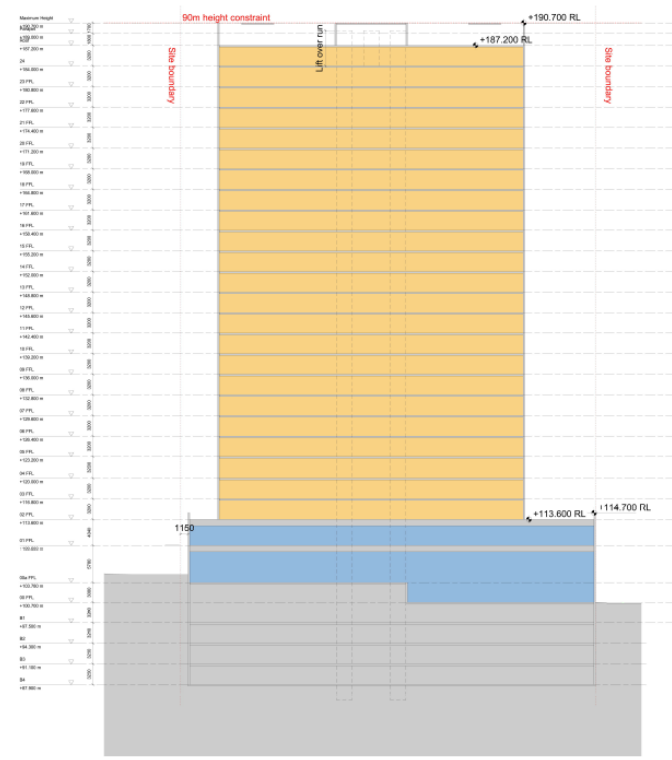
**Figure 19:** Proposed north elevation of the concept development from Day Street, Chatswood (source: Make Architects)



**Figure 20:** Proposed east elevation of the concept development (source: Make Architects)



**Figure 21:** Proposed east-west section of the concept development (source: Make Architects)



**Figure 22:** Proposed north-south section of the concept development (source: Make Architects)



**Figure 23:** Proposed ground floor plan (source: Make Architects)



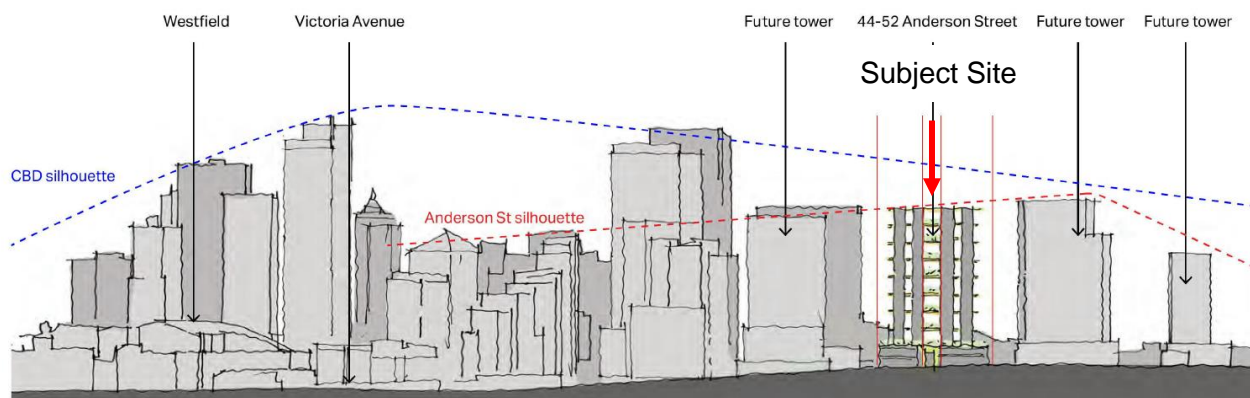
**Figure 24:** Proposed level two floor plan (source: Make Architects)



**Figure 25:** Proposed levels 9 - 22 floor plan  
(source: Make Architects)



**Figure 26:** Proposed basement level 1 (source: Make Architects)



**Figure 27:** Proposed concept building envelope (north elevation) relative to the existing and proposed built environment in Chatswood (source: Make Architects, overlay by DPIE)

## 4. Need for the planning proposal

The planning proposal is the result of the Chatswood CBD Strategy which has been endorsed by the Department (**Attachment I**) and finalised by Council. An assessment of the proposal's consistency with the strategy's key recommendations has been included in **Table 5** of this report.

Council's intention is for site-specific planning proposals to be prepared to support the strategy's recommendations prior to its Comprehensive LEP amendment.

The draft Comprehensive LEP amendment proposes to rezone all land within the Chatswood CBD area to implement the Chatswood CBD Strategy, and is currently under assessment by the Department.

## 5. Strategic Assessment

### 5.1 Greater Sydney Region Plan

The Greater Sydney Commission's (GSC) Greater Sydney Region Plan – A Metropolis of Three Cities was released in March 2018 and provides a vision for the growth and development of Greater Sydney by instilling the idea of the 30 minute city where people live no further than 30 minutes from their jobs, education, health facilities, services and great places.

Chatswood is located within the Eastern Economic Corridor of the Eastern Harbour City and is identified as a strategic centre being a major commercial precinct.

The Greater Sydney Region Plan establishes a series of directions to ensure planning proposals are consistent with the intended vision of Sydney. Directions relevant to this planning proposal are included in **Table 3**.



**Table 3:** Consistency of planning proposal with Greater Sydney Region Plan Directions.

Region Plan Direction	Consistency
<b>A City for People</b>	The site is within 400m walking distance of Chatswood train station, Metro and bus interchange. The proposal will increase the ability to live and work in Chatswood and reduce the reliance on private vehicles. A through-site link will also be provided via a rear setback to the development providing increased amenity.
<b>A City of Great Places</b>	The planning proposal would seek to enable the amalgamation of three sites and redevelopment of the existing older residential buildings. The public domain will be improved with landscaping and a through site link and increase connectivity to transport and public open space. The proposed concept development will not adversely impact on the HCA to the east.
<b>A Well-Connected City</b>	The site is located approximately 400m from the Chatswood transport interchange which has been recently upgraded to now include the Sydney Metro. Chatswood is well-connected to the neighbouring strategic centres of Macquarie Park and St Leonards and Crows Nest. The location of the proposed concept development will maximise the use of public transport assets.
<b>Jobs and Skills for the City</b>	The planning proposal seeks to enable redevelopment to increase residential uses commercial and retail floor space and employment. Increasing local housing and retail will support growth of Chatswood attracting international visitors and investment
<b>A City in its Landscape</b>	The planning proposal seeks to retain and increase landscaping and the tree canopy maintaining the leafy character of the area including the Anderson Street frontage. A rear setback with through site link will improve pedestrian amenity and connectivity.
<b>A Collaborative City</b>	The planning proposal has been prepared in response to Council's precinct wide planning proposal. The planning proposal is generally consistent with the endorsed Chatswood CBD Planning and Urban Design Strategy 2036.
<b>Housing the City</b>	<p>The concept development will facilitate the provision of high-density residential dwellings with a range of dwelling sizes to meet the needs of the community in an area close to existing infrastructure and services including the Chatswood interchange.</p> <p>An affordable housing component will also create additional housing options in the Willoughby LGA.</p>

## 5.2 North District Plan

The North District Plan reinforces the desire to strengthen and grow Chatswood as a strategic centre. Relevant to the site and proposal, the District Plan recommends the following actions for Chatswood:

- maximise land-use opportunities provided by the Sydney Metro;
- promote the role of the centre as a destination for cultural and leisure opportunities;
- promote and encourage connectivity, and update and increase public open spaces;

- investigate interchange options on both sides of the railway line to increase capacity and efficiency of modal changes; and
- improve pedestrian connectivity between the eastern and western side of the railway line.

The District Plan also sets a target increase of 6,300-8,300 jobs by 2036.

In relation to strategic centres, the District Plan states that employment growth is the principle underlying economic goal for strategic centres. The proposed development will facilitate high-quality, increased commercial and retail floor space close to existing and proposed residential dwellings, services and infrastructure such as Chatswood train station and the new Metro station.

The planning proposal documentation (**Attachment A**) states that the residential GFA will be approximately 13,435m<sup>2</sup> and a retail GFA of 2,687m<sup>2</sup> at the ground and lower levels. This equates to approximately 16,122m<sup>2</sup> total GFA as outlined in **Table 2**. This is based on the proposed amendments and assuming the development is fully developed in accordance with the FSR amendment of 6:1 sought in the concept design.

Based on the above and subject to a future detailed design at the development application (DA) stage, it is considered that the proposal can deliver a development consistent with the North District Plan. **Table 4** outlines the relevant priorities of the District plan and how the proposal demonstrates consistency with these priorities.

**Table 4:** Consistency of planning proposal with North District Plan priorities.

District Plan Priority	Consistency
<b>N1 Planning for a city supported by infrastructure</b>	The proposal aligns with the forecast growth and will facilitate development with the Chatswood Strategic Centre close to existing services and infrastructure including the Chatswood Interchange.
<b>N3 Providing services and social infrastructure to meet people's changing needs</b>	The proposal states that the sites close proximity will allow people to live closer to jobs, services and transport infrastructure in the Chatswood CBD. Pedestrian connectivity will be improved on and around the site.
<b>N4 Fostering healthy, creative, culturally rich and socially connected community</b>	The proposal states that it will encourage an active healthy lifestyle by delivering walkable streets with direct, accessible and safe pedestrian connections to schools, jobs, services, retail and recreational facilities in Chatswood.
<b>N5 Providing housing supply, choice and affordability with access to jobs, services and public transport</b>	The proposal will facilitate renewed development to provide high density residential housing in an accessible location. This will contribute to the assisting to achieve the housing target for the Willoughby LGA.

District Plan Priority	Consistency
<b>N6 Creating and renewing great places and local centres, and respecting the District's heritage</b>	The proposal will provide upgraded and increased residential and commercial/retail floor space. This will include fine grain well-designed urban form including the provision of active street frontages within a strategic centre. The proposed concept development will allow the retention of the leafy character of the area and not impact upon any nearby heritage items or heritage conservation areas to the east.
<b>N8 Eastern Economic Corridor is better connected and more competitive</b>	The delivery of high-density housing within the Chatswood CBD but outside the commercial core as part of the Eastern Economic Corridor. This will enable the delivery of housing targets while preserving space for employment growth.
<b>N10 Growing investment, business opportunities and jobs in strategic centres</b>	The proposal facilitates commercial/retail in a strategic centre close to existing services, facilities and public transport options.
<b>N12 Delivering integrated land use and transport planning and a 30-minute city</b>	The site is within 400m of the Chatswood transport interchange creating efficient access to employment, services and community facilities.
<b>N19 Increased urban tree canopy cover and delivering Green Grid connections</b>	The redevelopment of the site intends to retain and increase landscaping, tree canopy and deep soil to maintain the leafy character of the area.
<b>N21 Reducing carbon emissions and managing energy water and waste efficiency</b>	The planning proposal states that it will unlock opportunities to achieve high quality design to improve energy, water and waste efficiency. The site will be subject to a Clause 6.23 Design excellence in certain sites at Willoughby and higher building sustainability standards as outlined in the Chatswood CBD Strategy ( <b>Attachment H</b> ). The proximity to accessible public transport will encourage active modes of transport, reducing reliance on private vehicles.

## 5.3 Chatswood CBD Strategy

The now finalised and endorsed Chatswood CBD Strategy (**Attachment I1**) represents Council's 20-year development and land use vision for the future of the Chatswood CBD. The strategy has been designed to give strategic merit to site specific planning proposals and to align Council's strategic planning work in regard to its Local Strategic Planning Statement (LSPS), Local Housing Strategy (LHS) and Comprehensive LEP amendment with the actions and priorities of the North District Plan.

The strategy includes a series of 'key elements' to guide the assessment of planning proposals and development against the intention and goals of the strategy. **Attachment H** includes the Department's assessment of the proposal's consistency with these key elements. **Attachment F2** contains Council comments and consistency with the Strategy.



## 5.4 Willoughby Local Strategic Planning Statement

Council adopted the final Willoughby LSPS at its meeting of 10 February 2020. The LSPS sets out the 20-year vision for land use in the LGA, the special character and values that are to be preserved and how change will be managed into the future.

The Greater Sydney Commission (GSC) endorsed the LSPS on 20 March 2020 and the Department published it on the NSW Planning Portal on 31 March 2020.

An assessment of the concept development against the priorities in the LSPS provided in the planning proposal states that it will:

- increase housing diversity for families, an ageing population and key workers as it will provide an additional 156 residential apartments of varying size including a 4% affordable housing component;
- enhance walking and cycling connections with the reduction in vehicular crossovers and increased public amenity with upgrades to footpaths and landscaping;
- provide generous setbacks to not adversely impact on the heritage significance of the North Chatswood HCA directly to the east of the site;
- provide 1:1 commercial/retail floorspace assisting the economic development in Chatswood; and
- provide additional high quality, energy efficient residential dwellings close to the commercial core and accessible public transport reducing the reliance of private vehicle use.

Relevant to the subject site, the LSPS supports the delivery of the key elements of the Chatswood CBD Planning and Urban Design Strategy which is the main driver for housing, jobs and investment in the Willoughby LGA.

An assessment of the proposal's consistency against the key elements of the strategy is provided in **Attachment A14**.

## 5.5 Willoughby Local Housing Strategy

In May 2020, Council's LHS was finalised and forwarded to the Department for endorsement. The LHS targets three growth/focus areas for the delivery of its housing supply over the next 20 years including:

- existing R3 Medium Density Residential and R4 High Density Residential zones which have not been developed to their full potential;
- the proposed expanded B4 Mixed Use area of the Chatswood CBD as identified in the Chatswood CBD Strategy (**Attachment I4**); and
- the local centres identified in Council's Local Centres Strategy.

Of relevance to the subject proposal, is that the site falls within the expanded Chatswood CBD Strategy area and this mixed use area is expected to deliver the majority of Council's future dwelling capacity.

The proposal is consistent with Council's finalised LHS as it supports the delivery of the key elements of the Chatswood CBD Strategy and provide approximately 156 additional residential dwellings.

However, the planning proposal refers to the 'draft' Willoughby Housing Strategy and the actions and priorities within the LHS are not addressed. Therefore, a Gateway condition is

recommended to be included which requires the planning proposal to be updated to include an assessment of the consistency of the proposal with Council's endorsed LHS.

## 5.6 Local planning panel recommendation

On 27 April 2021, the Willoughby Local Planning Panel (LPP) (**Attachment G**) provided advice to Council on the planning proposal for the amalgamated site. The planning proposal sought to rezone the land, increase the height of buildings and FSR.

The panel stated that:

- consideration should be given to O'Brien Street becoming part or wholly open space;
- consideration should be given to securing the setbacks proposed in this planning proposal in the DCP; and
- it supported the forwarding of the planning proposal to the Department for Gateway determination as it demonstrated strategic and site-specific merit.

## 5.7 Section 9.1 Ministerial Directions

The planning proposal is to be updated to ensure all of the relevant Section 9.1 Ministerial Directions are addressed and remove reference to repealed Directions.

An assessment of the planning proposal against the relevant 9.1 Ministerial Direction is outlined in **Table 5**.

**Table 5:** Assessment of the planning proposal against the relevant Section 9.1 Ministerial Directions

Directions	Reasons for Consistency or Inconsistency
1.1 Business and Industrial Zones	<p>The objectives of this Direction are to encourage employment growth in suitable locations, protect employment lands and support the viability of identified centres.</p> <p>The planning proposal seeks to rezone land for primarily residential uses to B4 Mixed Use to provide a mixed-use development and encourage the growth of retail, commercial and supporting services in a strategic centre.</p> <p>The planning proposal is considered consistent with this Direction</p>
2.3 Heritage Conservation	<p>The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance. This direction applies to the planning proposal as it is in the vicinity of locally listed heritage items and the North Chatswood HCA.</p> <p>The planning proposal is accompanied by a Heritage Impact Statement (HIS) by Weir Phillips Heritage Planning (<b>Attachment A9</b>) that states there are no heritage items on the site and the site is not within a HCA.</p> <p>The western boundary of the North Chatswood HCA runs along Anderson Street across from the subject site. The HIS states that the impact of the proposed concept scheme on the local heritage items and HCA is considered to be acceptable.</p> <p>The heritage impact is discussed further in Section 6 of this report.</p> <p>The planning proposal is considered consistent with this Direction</p>

Directions	Reasons for Consistency or Inconsistency
2.6 Remediation of Contaminated Land	<p>This Direction was introduced on 17 April 2020 and aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered at the planning proposal stage.</p> <p>The planning proposal is accompanied by a Preliminary Site Investigation by Douglas Partners (<b>Attachment A13</b>). The report stated that after a review of the results, the potential for gross contamination was low to moderate.</p> <p>However, the report recommended that a Detailed Site Investigation (DSI) and a Hazardous Building Material (HAZMAT) survey for the apartment buildings at 44 and 46 Anderson Street be carried out. The contamination impact is discussed further in Section 6 of this report.</p> <p>The planning proposal is considered consistent with this Direction.</p>
3.1 Residential Zones	<p>Under this Direction, a planning proposal must broaden housing choice, make efficient use of existing infrastructure, reduce consumption of land for housing on the urban fringe and be of good design. This direction applies as the site is proposed to be rezoned to B4 Mixed Use to facilitate a significant increase in residential dwellings.</p> <p>The planning proposal will broaden housing choice and increase supply in an established urban area, well serviced by public transport, local shops and existing infrastructure. The proposed concept design will be subject to Council's design excellence clause and will not reduce the permissible residential density of the land.</p> <p>The planning proposal is considered to be consistent with this Direction.</p>
3.4 Integrating Land Use and Transport	<p>The key objectives of this Direction are to improve access to housing, jobs and services by walking, cycling and public transport and reducing dependency on cars.</p> <p>This direction applies to the planning proposal as the proposal seeks to rezone the land to B4 Mixed Use.</p> <p>As the proposal will encourage the delivery of increase housing within 400m of a major public transport interchange, reducing the reliance on private vehicles, it is considered to be consistent with this Direction.</p> <p>The traffic impact is discussed further in Section 6 of this report.</p>



Directions	Reasons for Consistency or Inconsistency
3.5 Development Near Regulated Airports and Defence Airfields	<p>Direction 3.5 aims at ensuring the effective and safe operation of airports and to ensure development is not adversely affected by aircraft noise.</p> <p>The maximum height of buildings in the Chatswood CBD is partially based on the airspace limits as outlined in Key Element 20 of the Chatswood CBD Strategy. The planning proposal seeks to increase the maximum HOB from 12m to a maximum height of 90m (RL190.70).</p> <p>The height sought in the planning proposal will not penetrate the PANS-OPS (Procedures for Air Navigation Services, Operations) and has not been identified as a controlled activity. This varies in Chatswood from RL246.8m AHD to RL300m AHD.</p> <p>Consultation will be required with the relevant authorities including Commonwealth Department of Transport, Infrastructure, Regional Development and Communications, Civil Aviation Safety Authority (CASA), Sydney Airport Corporation Limited (SACL) and Air Services Australia and is included as a condition of the Gateway determination.</p> <p>Further approval of crane activity will be required as part of a future DA and prior to the commencement of construction work.</p>
4.1 Acid Sulfate Soils	<p>Direction 4.1 aims to prevent significant adverse environmental impacts from the use of land that is affected by acid sulfate soils.</p> <p>The site is subject to Class 5 acid sulfate soils as indicated by the Willoughby LEP 2012. As a result, there is minimum risk of encountering acid sulfate soils under a future development application.</p> <p>The proposal is considered consistent with this direction.</p>
6.3 Site Specific Provisions	<p>This direction aims to discourage unnecessarily restrictive site-specific planning controls.</p> <p>The direction applies to the planning proposal as it seeks to include site specific provisions as recommended by the Chatswood CBD Strategy such as design excellence. These requirements are not considered unnecessarily restrictive as they are reflective of the holistic strategy recommendations and will be implemented within future planning proposals and the wider comprehensive Willoughby LEP amendment.</p> <p>The planning proposal is considered consistent with this Direction.</p>

## 5.8 State Environmental Planning Policies (SEPPs)

The planning proposal is to be updated to remove reference to repealed SEPPs including:

- SEPP 1 Development Standards;
- SEPP (Concurrence – Land Application) 2018; and
- SEPP (Miscellaneous Consent Provisions) 2007

A list of all current SEPPs are available on the NSW Legislation website at <https://legislation.nsw.gov.au/browse/inforce#/epi/title/s>

The following provides a consistency of the planning proposal against the relevant SEPPs.

## **SEPP (Infrastructure) 2007**

The aim of this policy is to facilitate the effective delivery of infrastructure across the State and the potential impacts on the development in the vicinity of significant infrastructure.

The proposal is over 25m measured horizontally from the railway corridor to the west of the subject site and will not require referral to TfNSW. However, the lower levels of the tower may be affected by ground-borne noise and vibration from the rail corridor and the Pacific Highway.

The planning proposal was accompanied by an Acoustic Report by Resonate dated 27 January 2021 (**Attachment A12**) that found noise from the railway corridor, Pacific Highway and general traffic noise may have an impact of the proposed concept.

It is considered that these issues can be dealt with in the detailed design phase as part of a future DA to ensure that the noise levels are not exceeded as outline in Clause 87(3) of the SEPP for residential development.

Additional discussion concerning the noise impact is in Section 6 of this report.

The proposed development will facilitate approximately 13,435m<sup>2</sup> of residential GFA and approximately 2,687m<sup>2</sup> of commercial/retail GFA, accommodating parking for approximately 188 vehicles. Access and egress will be via Day Street.

The planning proposal does not meet the criteria as outlined in Schedule 3 Traffic-generating development to be referred to Roads and Maritime Services (now part of Transport for NSW (TfNSW)).

The planning proposal was accompanied by a Traffic and Parking Impact Assessment by JMT Consulting (**Attachment A10**) which considered that the traffic and transport impacts as a result of the concept development acceptable.

However, a Gateway condition is included to require the planning proposal be referred to the TfNSW for comment.

The traffic impact is discussed further in Section 6 of this report.

## **SEPP 55 Remediation of Land**

The overarching objective of this SEPP is to provide a State-wide approach for the remediation of land to reduce the risk of harm to human health and the environment.

Clause 6 of the SEPP has been repealed and now forms part of Ministerial Direction 2.6 Remediation of Land. An assessment against the provisions of Direction 2.6 is provided in Section 5.7.

## **SEPP 65 Design Quality of Residential Apartments**

The aim of this policy is to improve the design quality of residential apartment development in NSW.

The Urban Design Study (**Attachment A2**) and ADG Compliance Table (**Attachment A7**) accompanying the planning proposal demonstrates that proposed concept achieves general compliance with this code in relation to site planning, overshadowing and building separation.

The maximum scale of development proposed for the site is consistent with the future desired character of the Chatswood CBD area. Further assessment against this policy can occur at a future DA stage.

## SEPP (Affordable Rental Housing) 2009

The aim of this policy is to facilitate the effective delivery of new affordable rental housing. Clause 4.4(2A)(b) of Willoughby LEP 2012 allows for any part of the floor area of a building that is to be used for affordable housing, not be included within the overall GFA for the purposes of calculating FSR.

However, this clause is proposed to be amended as a result of the future Comprehensive LEP amendment to remove reference to 'affordable housing'. The amendment will require the floor space for affordable housing purposes to be part of the gross floor area of the building for determining the maximum floor space ratio.

Council has consistently supported the provision of affordable housing, in accessible locations where practical. This clause is considered to generate a positive social benefit for the community by contributing towards the delivery of affordable housing in area where there is critical need for more affordable housing options.

The proposal is to provide 4% affordable housing. Council has recommended that the Special Provisions Area Map be amended to apply clause 6.8 Affordable housing.

It is recommended that the planning proposal be updated to include the Special Provisions Map identifying the relevant area.

## 6. Site-specific Assessment

### 6.1 Built Form

#### Building height

The proposed height increase would facilitate a development that facilities a:

- a two-storey podium with a residential tower above of approximately 25 storeys in height with an hourglass plan form incorporating two interconnected modules separated by a green spine; and
- typical residential tower floor plate of 562m<sup>2</sup> above.

The concept design (**Figures 18-27**) for the proposal identifies that the development could achieve a maximum height of 90m (RL190.7m) including lift overrun.

The proposed tower form is consistent with Council's desired maximum height of buildings for the site as recommended under the Chatswood CBD Strategy (**Figure 28**).





**Figure 28:** Chatswood CBD Strategy proposed maximum height map (source: Willoughby City Council)

### Building separation, setbacks and street wall height

It is considered that the concept design demonstrates that sufficient building separation and setbacks can be achieved on the site under the proposed controls, subject to a detailed design at DA stage (**Figures 29-32**).

The concept design in the planning proposal and Council's Detailed Assessment (**Attachment F2**) details that:

- the proposed building setbacks are in accordance with the street frontage heights and building setbacks as outlined in the Chatswood CBD Strategy 2036;
- 6m setback at ground level to Anderson Street, exceeding the 3m requirement;
- 1.15m setback at ground level to O'Brien Street;
- nil setback to Day Street; and
- 2m setback to the rear pathway.

For the podium, the concept shows:

- 6.4m setback above podium to Anderson Street with a total setback of 12.4m from the Anderson Street boundary when including the ground setback;
- 4.5m setback above the podium to O'Brien Street with a total setback of 5.5m including the ground setback; and
- 2m above podium level 1 and then 7.6m at level 2 facing the rear pathway with a total setback of 11.6m from the rear public pathway including the ground setback.

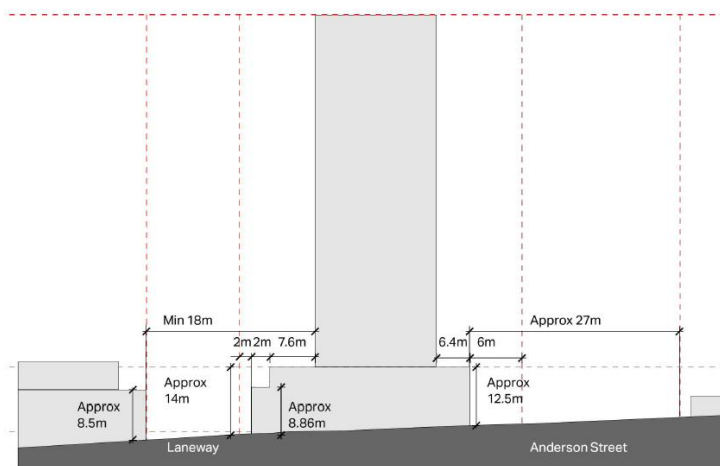
For the street wall, the concept scheme indicates;

- 12.5 street wall height to Anderson Street;
- 10m street wall height to O'Brien Street; and
- 14m wall height to Day Street and the rear laneway to the west.

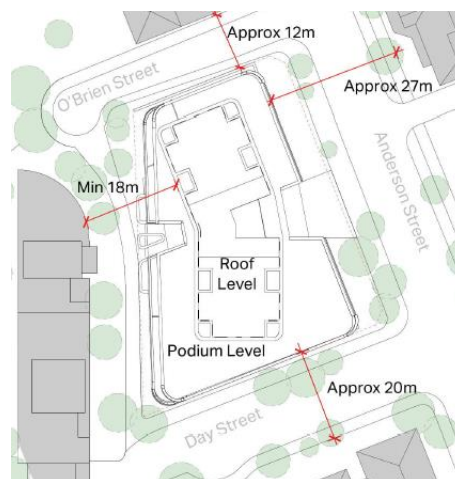
The Urban Design Study (**Attachment A2**) shows that the concept scheme has three street frontages and a publicly accessible through-site link to the west boundary:

- Anderson Street – includes a 27m ground level separation and a 33.4m tower separation to the eastern boundary opposite Anderson Street. This reduces visual bulk and scale to the North Chatswood HCA.
- Day Street – includes a tower 24.5m separation to the southern properties across Day Street, exceeding the minimum separation requirement.
- O'Brien Street – includes a tower separation of 17.5 m to the northern boundary of O'Brien Street.
- Rear laneway – includes a minimum 18m tower separation to the existing residential flat building at 1 Day Street, Chatswood which is unlikely to accommodate a tower footprint in the future. The tower has podium setback of between 5.5m and 11.6m to the rear laneway.

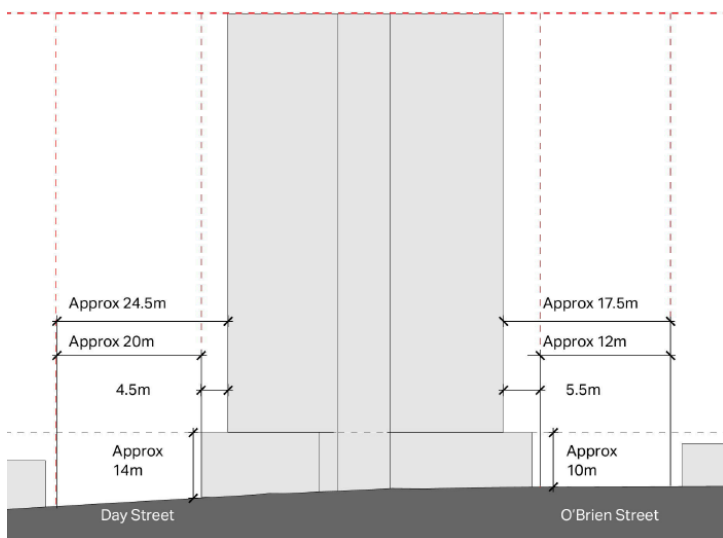
The planning proposal was referred to Council's Urban Design, Open Space and Engineering Sections and no objections were raised with the proposed concept design.



**Figure 29:** Indicative building separation looking north (source: Make Architects)



**Figure 30:** Indicative building setbacks (source: Make Architects)



**Figure 31:** Indicative building separation looking west (source: Make Architects)



**Figure 32:** Indicative building separation plan (source: Make Architects)

## Overshadowing

Clause 4.3A(8) of the Willoughby LEP 2012 requires that development consent must not be granted for the erection of a building within 50m of the Victoria Avenue/Chatswood Mall if that development would cause increased overshadowing impact in mid-winter between 12pm and 2pm.

The Chatswood CBD Strategy seeks to further refine these protections with the inclusion of a solar access plan within its maximum height of buildings map (**Figure 28**) which seeks to protect the key public spaces as identified within the strategy (**Figure 33**).

The subject site is in the northern area of the Chatswood CBD. As such the proposal will not have any overshadowing impact to key public spaces. This includes Victoria Avenue and the Garden of Remembrance between the hours of 12pm and 2pm in mid-winter and Chatswood Oval between the hours of 11am and 2pm in mid-winter. The North Chatswood HCA will not be affected by overshadowing between 9am and 3pm.

Some overshadowing impacts as a result of the proposal are considered reasonable for a site located within the Chatswood CBD. Council states in its Detailed Assessment (**Attachment F2**) that shadow analysis supporting the concept plan show some impacts on surrounding properties:

- on the western side of the North Shore Rail Line and the northern part of 1 Cambridge Lane at 9am and 10am;
- on the southern section of 1 Cambridge Lane at 11am;
- 2 Day Street, 3 McIntosh Street and the rear of 38-43 Anderson Street at 12pm;
- 2 Day Street, 2 and 3 McIntosh Street and 30 Anderson Street at 1pm and 2pm;
- corner 43 Anderson Street (southern boundary of the North Chatswood HCA at 3pm; and
- 35-41 Anderson Street including the front section of St Pius X College.

The proposal is supported by concept shadow diagrams in the Urban Design Study (**Figures 34-38** and **Attachment A2**) which indicate the existing and potential extent of overshadowing to the surrounding areas including the North Chatswood HCA to the east of the proposed concept development.

However, further updates to the proposal should address any overshadowing of surrounding properties to demonstrate the extent of the time period of the overshadowing to the affected properties listed above.

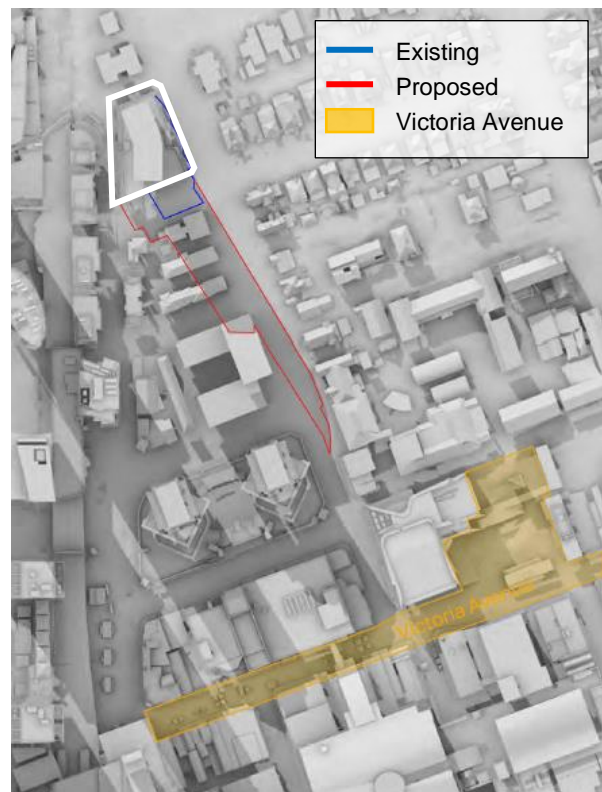




**Figure 33:** Proposed solar access protected areas under Chatswood CBD Strategy (source: Willoughby City Council, overlay by DPIE).



**Figure 34:** Existing shadows by 2pm and with reference to Victoria Avenue as indicated in the Chatswood CBD Strategy in **Figure 33** (source: Make Architects)



**Figure 35:** Proposed shadows by 2pm and with reference to Victoria Avenue as indicated in the Chatswood CBD Strategy in **Figure 33** (source: Make Architects)



**Figure 36:** Existing shadows 9am mid-winter (source: Make Architects)



**Figure 37:** Proposed shadows 12pm mid-winter (source: Make Architects)



**Figure 38:** Proposed shadows with Chatswood CDB envelope 3pm mid-winter (source: Make Architects)

## View sharing impact

The proposal states that the concept scheme does not impact on any significant view corridors from the low to medium rise developments in the vicinity and a reasonable level of view sharing will be maintained to the south and west. The proposed apartments are mostly oriented towards the east and west with panoramic views.

The planning proposal states that there will be no additional impacts to key view corridors from the public domain. The planning proposal was accompanied by an Urban Design Study (**Attachment A2**) which contained images showing how the proposed concept will be viewed from the adjacent North Chatswood HCA (**Figures 39-42**)

While it is recognised that some views are likely to be lost as a result of a future development on site, the proposal is consistent with Council's desired uplift in this location.

The loss of regional and district views from existing development is considered inevitable within a regional strategic centre such as Chatswood that seeks uplift for both the height of buildings and maximum FSR.

Prior to exhibition, Council as the planning proposal authority should determine whether there are likely to be significant regional or district views lost as a result of the planning and proposal and whether a view loss analysis is to be prepared as part of the exhibition material. This is recommended to be included as a Gateway condition.

As the proposal would deliver a development more than 35m in height, any future development application would be required to progress through a design review panel. The panel could recommend refinements to the design to reduce amenity impacts where appropriate.



**Figure 39:** View of the concept scheme looking north along Anderson Street (source: Make Architects)



**Figure 40:** View of the concept scheme looking south along Anderson Street (source: Make Architects)



**Figure 41:** View of the concept scheme looking approximately south-west from the North Chatswood HCA (source: Make Architects)



**Figure 42:** View of the concept scheme looking north-west (source: Make Architects)

## Wind impact

The planning proposal was accompanied by a Wind Impact Assessment conducted by Vipac Engineers and Scientists Ltd (**Attachment A11**). The concept design was assessed for the conditions along the pedestrian footpath areas, building entrance, podium and rooftop terraces and apartment balconies.

The assessment noted that the proposed development is located on relatively flat terrain with high rise developments proposed to the south and west. Their assessment of the proposed concept scheme found that the wind conditions:

- at ground level footpath areas are expected to be within the criterion for walking;
- at the ground level entrance are expected to be within the recommended criterion; and
- at podium rooftop and tower rooftop terraces are expected to be within the recommended criterion for walking with the recommend control measures such as high balustrades and extensive landscaping.

The recommendations in the report were based on similar conditions in Sydney and internationally and may not account for all complex scenarios. Vipac recommended wind tunnel testing to be undertaken in the detail design phase.



## Heritage impact

The planning proposal was accompanied by a Preliminary Heritage Impact Statement (HIS) conducted by Weir Phillips Heritage and Planning (**Attachment A9**). The HIS was undertaken as the subject site is adjacent to the North Chatswood HCA and contains locally listed heritage items (**Figures 1, 11 and 43-45**) comprising of mostly single and double storey detached dwellings.

The HIS stated that the concept scheme indicates that the proposed uplift is in line with the objectives of the Chatswood CBD Strategy and can be achieved without substantial impact to the adjoining HCA and heritage items.

The impact is considered acceptable as:

- a podium level will transition to a tower form to improve solar access to the heritage items and existing context;
- the concept scheme will increase the relationship to the streetscape, light, views and connectivity compared to the existing conditions on the site;
- no significant view corridors will be unreasonably disrupted from the heritage items or the HCA by the concept scheme;
- views from the site are do not have any heritage significance;
- the separation, setbacks and podiums with a lower street wall will decrease the perceived massing of the concept scheme directly adjacent to the HCA to the east;
- the concept is consistent with the ongoing development of the surrounding area; and
- the existing buildings on the site are not considered to be of heritage significance.

The 6m setback zone along Anderson Street will provide additional landscaping to provide separation from the adjacent HCA.

Council's Heritage Section provided the following comments on the proposed concept design:

- the potential impacts are minor and no significant view corridors have been identified;
- most of the shadowing resulting from proposed concept design will fall to the south away from the HCA;
- careful use of design elements such as podiums, setbacks and materials will ensure development is sympathetic to the surrounding area; and
- with careful consideration the proposed new development can reduce and manage negative outcomes and is considered to be acceptable.



**Figure 43:** Subject site with the North Chatswood HCA directly to the east across Anderson Street (source: Google Maps, overlay by DPIE).



**Figure 44:** Example of a local heritage item at 21 Daisy Street to the east of the site in the North Chatswood HCA (source: Weir Phillips).



**Figure 45:** Example of a local heritage item at 8 Daisy Street to the east of the site in the North Chatswood HCA (source: Weir Phillips).

## Noise impact

The planning proposal was accompanied by an Acoustic Report conducted by Resonate (**Attachment A12**). The acoustic report states that it outlines the requirements for consideration during the DA phase.

The report states that the proposed development is adjacent to the North Shore railway line and close to the Pacific Highway with high traffic volumes.

The assessment found that the key constraints and impacts in relation to environmental noise and vibration on the proposed development can be addressed through effective design in a future development phase.

Further information on the noise impact is provided in Section 5.8 under SEPP (Infrastructure) 2007.

## 6.2 Social

The indicative design shows that the development can deliver 156 residential units comprising of one, two and three-bedrooms. Communal spaces are provided on the podium level, setbacks to the public walkway to the west and the rooftop with indoor and outdoor spaces for social interaction. The provision of retail and other services at ground level would contribute to the activation of the area at ground level (**Figures 46-49**).

### Affordable Housing

Under clause 4.4(2A)(b) of Willoughby LEP 2012 any part of the floor area of a building that is to be used for affordable housing, is not calculated as overall GFA and does not contribute to FSR. This allows the developer to contribute towards the additional affordable housing. Under Willoughby LEP 2012 affordable housing is to be provided in 'Area 3' as shown in the Special Provisions Area Map.

However, Council seeks to include a new area 'Area 9' within this clause to enable the delivery of additional affordable housing in accordance with clause 4.4 of the LEP, where any affordable housing floor area is included within the total FSR measurement.

While affordable housing is generally excluded for any floor space calculation, considering the extent of the proposed uplift above the existing base FSR for the site this outcome is still considered to generate a positive social benefit for the community. It will contribute towards the delivery of affordable housing in an area where there is a critical need for these housing options.

It is recommended that a proposed Special Provisions Area map be provided to indicate the site as requiring the application of the clause.

### Public Amenity and Voluntary Planning Agreement

The concept design of the proposal in the Urban Design Study (**Attachment A2**) intends to upgrade and activate the existing footpaths surrounding the site. This will improve connectivity through the Chatswood CBD to nearby public spaces and the Chatswood interchange.

The proposed mixed use concept will create activity day and night and commercial/retail land uses at ground level will activate the street frontages and opportunities for social interaction.

The upgrade of a publicly accessible through-site link to the west of the site from O'Brien Street to Day Street will also increase connectivity (**Figures 48-49**).

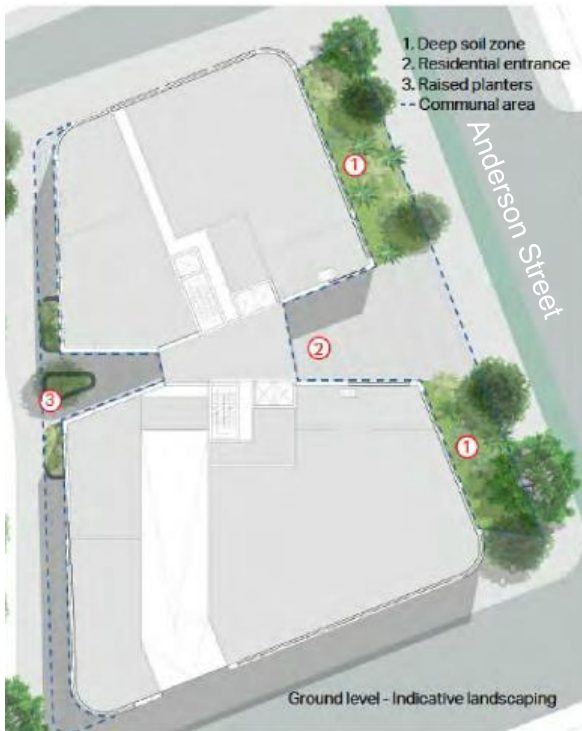
Council states that the setbacks in the concept design are greater than the minimum setbacks outlined in the Chatswood CBD Strategy and considered appropriate response to the low density North Chatswood HCA to the east across Anderson Street. Further consideration of privacy will be considered at the DA stage.

The Council states that a voluntary planning agreement (VPA) for a range of public benefits accompanied the planning proposal. The benefits could be in the form of additional public domain works or a monetary contribution to Council. The details of the VPA are yet to be discussed.

The planning proposal was referred to Council's Urban Design and Open Space Section and no objections were raised with the proposed concept design.

Council is currently developing its Section 7.11 and 7.12 Contributions plans for the provision of social infrastructure within the Chatswood CBD which is expected to be adopted by Council following the exhibition that ended in mid-October 2020.





**Figure 46:** Concept landscaping to the ground level (source: Make Architects, overlay by DPIE).



**Figure 47:** Concept landscaping to the podium level (source: Make Architects, overlay by DPIE).



**Figure 48:** Concept south elevation with the setbacks to the publicly accessible walkway to the west of the site (source: Make Architects, overlay by DPIE).



**Figure 49:** Concept west elevation with the setbacks to the publicly accessible walkway to the west of the site (source: Make Architects).

## 6.3 Environmental

The site has previously been developed for residential purposes. No known critical habitats, threatened species populations or ecological communities or their habitats would be adversely affected by the proposal.

The proposed concept intends to provide increased setbacks with landscaping at ground level (**Figure 49**) improving the public domain and rooftop as part of any future development.

### Contamination impact

The planning proposal was accompanied by a Preliminary Site Investigation (PSI), conducted by Douglas Partners, dated 2 December 2020 (**Attachment A13**).

The report states that the site is subject to a proposal for a scheme which will result in the demolition of existing residential buildings and the construction of a mixed-use development with basement parking, ground and podium level commercial/retail uses with a 27 storey residential tower above.

The review of the history of the site indicates that the site has had residential uses at least from 1930 with the current residential flat buildings constructed between 1955 and 1961 and the townhouses at 52 Anderson Street constructed around 2007.

The review of the site found that the surrounding land uses include low to high density residential, education, commercial and the North Shore rail line.

Potential sources of contamination at the site consist of imported fill and hazardous building materials from the existing and former buildings on and off the site including service stations and the rail corridor.

Based on the results of the PSI, it is considered that the overall contamination of the site is low to moderate. The review recommends a detailed site investigation (DSI) to evaluate

the extent of the contamination and assess the site's suitability for the intended land use after the demolition of the existing buildings on the site.

A HAZMAT survey will identify and advise on the appropriate management of any hazardous material found at the existing residential flat buildings at 44 and 46 Anderson Street.

## 6.4 Economic

### Employment

The planning proposal will facilitate 2,687m<sup>2</sup> of new commercial/retail floorspace on the subject site. It will contribute to the desirability to live and work in the Chatswood CBD in a location close to existing public transport, infrastructure and services.

This outcome has considerable benefit as it seeks to create additional jobs and residential accommodation, which is a key outcome for Chatswood CBD and a key objective of the North District Plan.

The increase in opportunities for the provision of employment floorspace is considered to have positive economic impacts. It supports the key objective of the Chatswood CBD Strategy to deliver new jobs in a strategic location.

## 6.5 Infrastructure

### Public transport

The site is well serviced with public transport infrastructure as it is within 400m walking distance of the Chatswood rail and bus interchange. The upgrading of the interchange to accommodate the Sydney Metro has further enhanced Chatswood's status as a strategic centre and key public transport interchange. This will continue to improve when the Metro network is extended to the Sydney CBD and Bankstown, due to open in 2024.

The Pacific Highway is also located approximately 250m driving distance to the west of the site with direct connection to the Sydney CBD and other major routes.

The planning proposal supports the principles of integrated land use and transport outcomes as it will:

- rely on existing and future transport capacity and services to support and encourage the use of public transport;
- maintain good accessibility to the station and the associated interchange; and
- facilitate development that will deliver increased residential and employment floor space to provide opportunities to live and work in Chatswood close to accessible public transport and services.

### Traffic and Transport

A traffic and parking impact assessment report, prepared by JMT Consulting, dated 9 February 2021 (**Attachment A10**) was submitted with the planning proposal. The report provides an assessment of the potential transport impacts as a result of the proposed concept development.

The site is in close proximity to accessible transport options including the Chatswood interchange approximately 400m south of the site and includes services such as:



- the T1 North Shore, Northern and Western Line with regular connections to the Sydney CBD;
- bus services operate from the interchange and Anderson Street, Victoria Avenue and Pacific Highway;
- Sydney Metro Northwest with connections to the Sydney CBD and the north-west via Epping; and
- Sydney Metro City and Southwest line currently under construction will provide further future connectivity to the Sydney CBD, Parramatta and Bankstown (**Figure 50**).

The report states that traffic generated by the site has been calculated on the development yield associated with the concept plans prepared for the planning proposal and similar sites in the Chatswood CBD.

The report outlines that a compliant development application would generate a net maximum increase of 29 private vehicular trips in the AM peak period and 23 in the PM peak period (**Table 6**).

**Table 6:** Summary of the forecast traffic generation as a result of the proposed concept development

Use	Number of dwellings/GFA	Rate per unit or 100m <sup>2</sup> GFA		Vehicle Trips	
		AM Peak	PM Peak	AM Peak	PM Peak
Residential	156	0.14	0.12	22	19
Commercial	1869m <sup>2</sup> GFA	1.03	0.84	19	16
Existing site	31	0.4	0.4	-12	-12
<b>Net trips generated</b>				<b>29</b>	<b>23</b>

One two-way vehicular access and egress is proposed via Day Street. Basement loading and unloading facilities and carparking via one access point will minimise the impact on pedestrians and the general streetscape. The design requirements to meet the relevant standards will be detailed as part of a future DA.

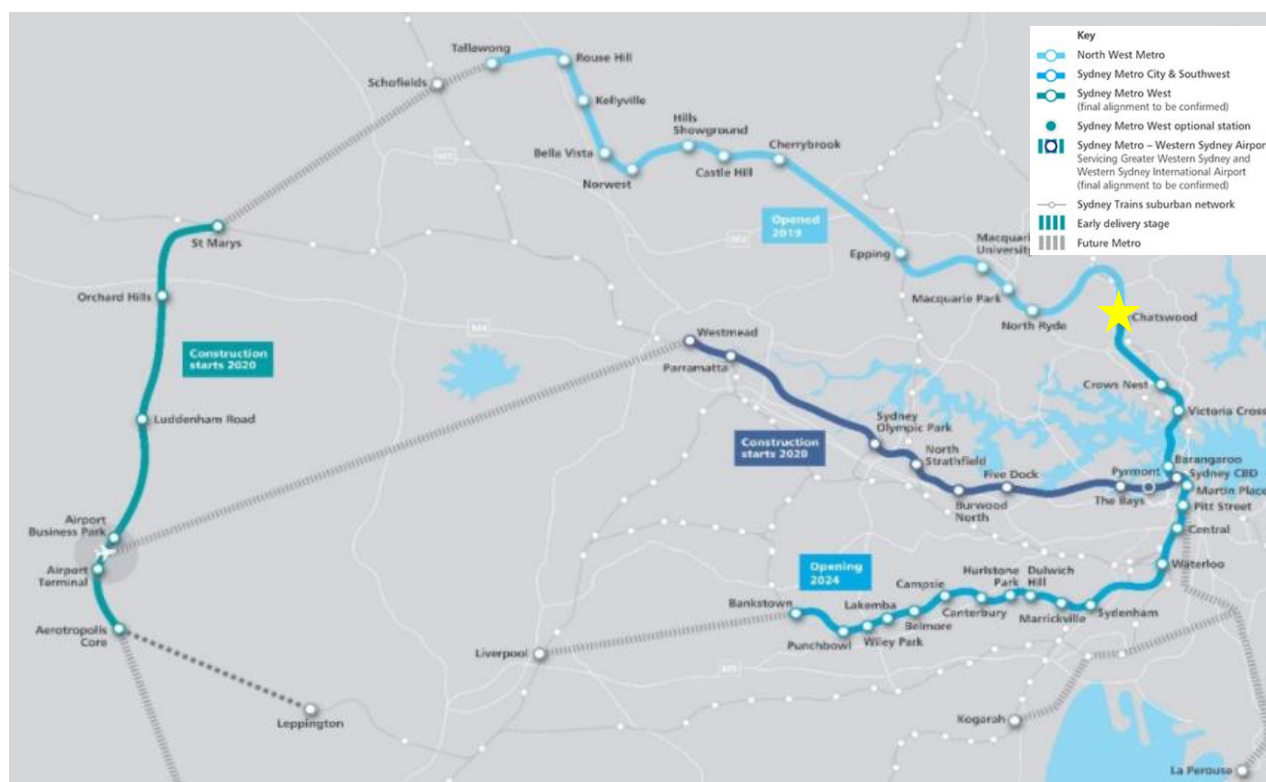
The report states that based on the analysis, the existing traffic volumes near the site with the additional traffic generated by the planning proposal is not expected to adversely compromise the safety or function of the surrounding road network.

It is noted that the Department's Chatswood CBD Strategy endorsement requires Council to engage TfNSW to establish if the strategy can accommodate the proposed growth and work out if a Transport Management Action Plan (TMAP) is required for all areas outside the CBD core. This was included as a condition of the endorsed strategy to ensure that the Chatswood road network could handle the proposed growth and future capacity within the CBD.

This analysis has been completed by Arup in conjunction with TfNSW and is currently with TfNSW for finalisation and adoption. As part of the Gateway determination it is recommended that a condition to consult with TfNSW is included to ensure that the planning proposal is consistent with the wider Chatswood CBD context and ongoing traffic and transport analysis.

The site is in the vicinity of paved pedestrian networks and on and off-road bicycle routes including a connection along Anderson Street to the Chatswood interchange.

The planning proposal was referred to Council's Traffic Section and no objections were raised with the proposed concept design.



**Figure 50:** Sydney Metro lines alignment map (source: DPIE).

## Parking and access

The Traffic Impact Assessment (**Attachment A10**) stated that the proposed development would require a total of 188 car parking spaces as outlined in **Table 7**. This is considered consistent with Council's DCP parking rates for residential uses and well below the rates for commercial/retail uses.

The parking rates are sufficient as the development is within approximately 400m walking distance of accessible public transport at the Chatswood interchange and sufficient to meet the needs of future residents reducing the overflow to nearby residential streets.

**Table 7:** Approximate onsite car parking

Land Use		Units/Scale (GFA)	Rate	Parking Provision
Residential	1 bed	31	1 per unit	28
	2 bed	94	1 per unit	96
	3 bed	31	1.25 per unit	32
	Subtotal	156	N/A	164
	Visitor		1 per 10 units	16

Land Use	Units/Scale (GFA)	Rate	Parking Provision
Commercial	1,869m <sup>2</sup>	1 per 110m <sup>2</sup>	5
Retail	775m <sup>2</sup>	1 per 25m <sup>2</sup>	3
<b>Total</b>			<b>188</b>

Council's DCP specifies the provision of bicycle and motor bike parking and end of journey facilities. The report indicates that 22 bicycle lockers for staff, 20 bicycle parking rails/racks for visitors and one motorcycle space per 25 car parking spaces will be provided. Final numbers will be determined as part of the DA stage.

Further modes of transport can also be considered in a Green travel Plan (GTP) as part of a future DA including car share arrangements.

The elimination of the any current vehicular access via Anderson Street will increase pedestrian amenity and safety and improve the traffic flow along Anderson Street.

The report states that the concept includes an onsite leading dock located in the basement and designed to comply with the objectives of the Chatswood CBD Strategy such as:

- all vehicles enter and exit the site in a forward direction;
- all loading and unloading are to occur onsite, at basement level and not on the public street; and
- the design does not rely on mechanical devices such as a turntable for vehicular manoeuvrability.

The final design of the loading dock can be undertaken at the DA stage.

### Infrastructure and services

Any future development may require utility services to be upgraded and/or augmented to support the increased commercial and retail uses, it is recommended that relevant state infrastructure service providers are consulted as part of the Gateway determination, including Sydney Water and Ausgrid.

The site is well serviced by public transport, including existing heavy rail, Metro and bus services to various local and metropolitan locations. No additional public transport services will be required.

## 7. Consultation

### 7.1 Community

The planning proposal did not provide a timeframe for community consultation.

The Department recommends a 28-day consultation. This is adequate for the purposes of this plan. The planning proposal will require updating to include a timeframe for community consultation.



## 7.2 Agencies

The planning proposal states that consultation with public authorities will be undertaken according to the Gateway determination requirements.

The Department recommends that consultation is to be undertaken with the relevant public agencies and adjoining landowners as per statutory requirements.

It is recommended that the following agencies be consulted on the planning proposal and given 21 days to comment for the purposes of this Gateway:

- Transport for NSW;
- Ausgrid;
- Sydney Water Corporation;
- NSW Department of Education;
- NSW Department of Health;
- Commonwealth Department of Transport, Infrastructure Regional Development and Communications (DTIRDC);
- Civil Aviation Safety Authority (CASA);
- Sydney Airport Corporation Limited (SACL); and
- Air Services Australia.

## 8. Timeframe

The planning proposal provides an indicative project timeline with an anticipated completion date for the LEP amendment by December 2021.

The Department recommends a time frame of 12 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates. As such, from the date of the Gateway determination, the planning proposal must be:

- exhibited within 3 months; and
- reported to Council for a recommendation 9 months.

The planning proposal be amended to provide an updated timeline for completion. It is recommended that a 12 month timeframe is appropriate for this planning proposal from the date of the Gateway determination.

## 9. Local Plan Making Authority

As the Chatswood CBD Strategy has been endorsed by the Department and the proposal is able to demonstrate consistency with all key elements of the strategy, Council is recommended to be the local plan making authority for this proposal.

## 10. Conclusion

The planning proposal seeks to redevelop and amalgamate three sites containing existing residential buildings. The proposal will provide approximately 13,435m<sup>2</sup> of residential floor space equating to approximately 156 additional residential dwellings and approximately 2,687m<sup>2</sup> of retail floor space.

The Department has considered the submitted documentation as part of the proposal and concludes that there is sufficient strategic merit in issuing a Gateway determination as:

- it is consistent with the actions of the North District Plan for Chatswood by facilitating additional residential dwellings and commercial/retail floorspace, maximising public transport patronage and promoting employment growth in an accessible location;
- it is generally consistent with the key elements of the endorsed Chatswood CBD Strategy; and
- the increase in development controls is consistent with the desired character of the Chatswood CBD.

The Department considers the proposal to have site-specific merit because:

- the proposed maximum building height is consistent with the desired future maximum building heights as outlined in the Chatswood CBD Strategy;
- the through site link, increased landscaping and setbacks and the addition of Anderson Street, Day Street and O'Brien Street as active street frontages will increase connectivity and pedestrian amenity;
- the HIS has found that the concept design will have minimal impact on the North Chatswood HCA directly east across Anderson Street;
- the proposal will not overshadow key public open space between 12-2pm during midwinter; and
- the proposal will enable the delivery of an additional 156 residential dwellings and commercial/retail within 400m walking distance of public transport including Chatswood train station, North-West metro and the Chatswood bus interchange.

However, the planning proposal will require updating to address the Gateway determination conditions prior to public exhibition.

## 11. Recommendation

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

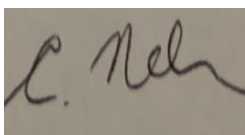
1. Prior to community consultation the proposal is to be updated to include:
  - (a) a timeframe for public exhibition;
  - (b) a project timeline based on the issuing of this Gateway determination;
  - (c) updated objectives and intended outcomes to provide a plain English explanation of the intended outcomes to be achieved on the site including the type and scale of development and number of storeys, jobs and dwellings;
  - (d) existing Active Street Frontages, Special Provisions Map and Lot Size Map;
  - (e) proposed Active Street Frontages Map to add Day Street, O'Brien Street and Anderson Street;
  - (f) proposed Lot Size Map to indicate a minimum lot size of 2,500m<sup>2</sup>;
  - (g) proposed Special Provisions Area Map to show the site as the corresponding 'Area' to which the provision will apply ('Area' number to be nominated by

Council). For the purposes of the exhibition, the legend should also indicate/reference the proposed control to apply rather than the specific clause;

- (h) incorporate the proposed changes outlined in the Council resolution including that the following additional provisions will apply:
    - i. amend Clause 5.6 Architectural roof features;
    - ii. amend Clause 6.8 Affordable housing;
    - iii. amend Clause 6.10 Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing, residential flat buildings and secondary dwellings;
    - iv. amend Clause 6.23 Design excellence for certain sites at Willoughby; and
    - v. amend Clause 6.24 - Minimum commercial floor space within the Mixed Use zone.
  - (i) include an assessment of the proposal against the relevant priorities and actions of the Council endorsed Willoughby Local Housing Strategy and remove reference to the 'draft' version;
  - (j) ensure all of the relevant SEPPs are addressed and remove reference to repealed SEPPs;
  - (k) ensure all of the relevant Section 9.1 Ministerial Directions are addressed and remove reference to revoked Directions:
    - i. 3.3 Home Occupations; and
    - ii. 7.1 Implementation of A Plan for Growing Sydney (revoked 2020)
  - (l) Address any overshadowing of surrounding properties and provide further analysis of the extent of overshadowing for properties in the vicinity of the site;
  - (m) Council should consider whether the planning proposal is likely to impact upon significant regional or district views for neighbouring properties and if a view sharing analysis should be prepared to support the proposal during exhibition.
2. Consultation is required with the following public authorities:
- Transport for NSW;
  - Ausgrid;
  - Sydney Water Corporation;
  - Department Education;
  - Department Health;
  - Department of Transport, Infrastructure, Regional Development and Communications (DTIRDC);
  - Civil Aviation Safety Authority (CASA);
  - Sydney Airport Corporation Limited (SACL); and
  - Airservices Australia.
3. The planning proposal should be made available for community consultation for a minimum of 28 days.



4. The planning proposal must be exhibited 3 months from the date of the Gateway determination.
5. The planning proposal must be reported to council for a final recommendation 9 months from the date of the Gateway determination.
6. The time frame for completing the LEP is to be **9 months** from the date of the Gateway determination.
7. Given the nature of the planning proposal and its consistency with the Chatswood CBD Strategy, Council authorised to be the local plan-making authority to make this plan.



Charlene Nelson  
Manager, Place and Infrastructure



16 September 2021

Brendan Metcalfe  
Director, North District

Assessment officer: Christina Brooks  
Planning Officer, North District  
Phone: 9274 6045

## Attachments

**Attachment Gateway** – Gateway Determination

**Attachment Letter** – Letter to Council

**Attachment A** – Amended planning proposal

- **A1** – Planning proposal application
- **A2** – Urban design study
- **A3** – Draft DCP provisions
- **A4** – Plans, sections, elevations
- **A5** – Survey
- **A6** – Landscape plans
- **A7** – ADG Compliance
- **A8** – Owners consent
- **A9** – Heritage Impact Statement

- **A10** – Transport Impact Assessment
- **A11** – Wind Impact Assessment
- **A12** – Acoustic report
- **A13** – Preliminary site investigation

**Attachment B** – Site map

**Attachment C** – Locality context map

**Attachment D** – Existing LEP maps

**Attachment E** – Proposed LEP maps

**Attachment F** – Council documents

- **F1 – Council report**
- **F2 – Detailed assessment report**
- **F3 – Council resolution**
- **F4 – Draft DCP provisions**
- **F5 – Written amendments to the LEP**
- **F6 – Mapping amendments to the LEP**
- **F7 – Concept plans**

**Attachment G** – Willoughby Local Planning Panel minutes

**Attachment H** – DPIE's assessment of the consistency of the planning proposal against the Chatswood CBD Strategy

**Attachment I** – Chatswood CBD Strategy

- **I1** – Chatswood CBD Strategy background summary
- **I2** – Department's partial endorsement letter
- **I3** – Department's full endorsement
- **I4** – Final Chatswood CBD Planning and Urban Design Strategy